

Message Text

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61

ORIGIN DLOS-05

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FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS

USINT BAGHDAD BY POUCH

AMEMBASSY BUCHAREST BY POUCH

AMEMBASSY DAMASCUS BY POUCH

AMEMBASSY NDJAMENA BY POUCH

AMEMBASSY SUVA BY POUCH

XMT USMISSION USUN NEW YORK

USMISSION GENEVA

USINT BAGHDAD

AMEMBASSY BUCHAREST

AMEMBASSY DAMASCUS

AMEMBASSY NDJAMENA

AMEMBASSY SUVA

C O N F I D E N T I A L STATE 105125

FOLL REPEAT GENEVA 3176 ACTION SECSTATE INFO USUN NEW YORK

USIA 05 MAY 75:

QUOTE

EO 11652: NA

TAGS: PLOS

SUBJ: CLASSIFIED SUMMARY

SUMMARY: WHILE SOME WORKING GROUP MEETINGS CONTINUED
DURING WEEK PRINCIPAL EFFORT WAS DIRECTED TOWARD ENSURING
BEST POSSIBLE OUTCOME IN DRAFTING OF CHAIRMAN'S TEXTS IN
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EACH COMMITTEE. CONFERENCE PRESIDENTS PRESENT PLAN IS
TO RECEIVE TEXTS FROM COMMITTEE CHAIRMAN ON TUESDAY,
WHICH WILL TEHN REQUIRE TWO DAYS FOR TRANSLATION, AND
THEY WILL THEN BE DISTRIBUTED WITHOUT DEBATE AT PLENARY
FRIDAY.

2. COMMITTEE I (DEEP SEABEDS):

IN ADDITION TO COMMITTEE I (CI) FORMAL MEETINGS ON MACHINERY, CI LEADERSHIP HAS BEEN INVOLVED THIS WEEK IN REVIEWING DRAFT SINGLE TEXT PREPARED BY PINTO (CI WORKING GROUP CHAIRMAN) AND IN PROPOSING AMENDMENTS. GROUP OF 5 HELD SEVERAL MEETINGS TO COORDINATE COMMENTS ON PAPER, ALTHOUGH USSR DEL DECLINED TO JOIN IN PROCEDURE OF SUBMITTING COMMON AMENDMENTS. (FRANCE, UK AND JAPAN AGREED IN GENERAL WITH US AMENDMENTS TO PINTO PAPER AND SUBMITTED SEPARATELY ONLY A FEW SPECIFIC CHANGES). PRIVATE NEGOTIATIONS ON ARTICLE 9 (EXPLOITATION SYSTEM) AMONG LDC LEADERSHIP RESULTED IN NO NEW PROPOSALS AND DEL NOW CONSIDERS IT UNLIKELY THAT ANY SERIOUS NEGOTIATION WILL OCCUR FOR REMAINDER OF SESSION.

3. COMMITTEE II (TERRITORIAL SEA, ECONOMIC ZONE):

ARCHIPELAGOES: ON MONDAY, CHAIRMAN GALINDO POHL CONVENED GROUP CONSISTING OF US, UK, USSR, INDONESIA, FIJI, AND BAHAMAS TO DISCUSS POSSIBLE ARCHIPELAGIC ACCOMMODATION. DISCUSSION REVEALED THAT INDONESIA WAS STICKING TO PRESENT HARD LINE. AT SECOND MEETING GROUP WAS EXPANDED TO INCLUDE JAPAN, MAURITIUS, PHILIPPINES AND PAPUA NEW GUINEA. PHILIPPINES AND TO SLIGHTLY LESSER EXTENT INDONESIA TOOK ADAMANT POSITION SUPPORTING DRAFT PREPARED BY THEM. US AND OTHER MARITIME STATES TOOK UNITED AND FIRM POSITION ON OBJECTIVE DEFINITIONAL AND REGIME PRINCIPLES.

BAHAMAS INTRODUCED DRAFT CONTAINING 18 PRINCIPLES WHICH CLEARLY EMBODIED MIDDLE-OF-ROAD POSITION.

STRAITS: PUBLIC STRAITS DISCUSSION REVEALED STRONG CONFIDENTIAL

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SENTIMENT FOR UNIMPEDED PASSAGE ALTHOUGH OMAN, YEMEN AND SPAIN TOOK EXPECTED (UNYIELDING) POSITIONS IN FAVOR OF INNOCENT PASSAGE. INDIA, LIBERIA, BAHAMAS AND SEVERAL ARAB STATES SPOKE IN FAVOR OF UNIMPEDED PASSAGE IN STRAITS.

CONTINENTAL MARGIN: US HAS BEEN WORKING WITH CANADA, NORWAY, ARGENTINA, AUSTRALIA, AND NEW ZEALAND TO FIND ACCEPTABLE DEFINITION FOR CONTINENTAL MARGIN BEYOND 200 MILES. WHILE NO AGREEMENT HAS BEEN REACHED, WE DO BELIEVE THAT CONCERNED STATES ARE NOT FAR APART. REACTION TO US PROPOSAL FOR REVENUE SHARING BEYOND 200 MILES WHICH IS COUPLED WITH COASTAL STATE CONTINENTAL SHELF JURIDICION BEYOND 200 MILES HAS BEEN GENERALLY FAVORABLE. VIEW IS GROWING THAT

REVENUE-SHARING PROVIDES ONLY BASIS FOR ACCOMMODATING VIEWS OF THOSE WHO WISH TO HALT COASTAL STATE JURISDICTION AT 200 MILES AND THOSE WHO INSIST ON RETAINING RIGHTS TO BROAD CONTINENTAL MARGIN. WE UNDERSTAND SINGLE TEXT ON COMMITTEE II ISSUES IS NEARLY COMPLETED AND CHAIRMAN WILL BE ADDING HIS PERSONAL INPUT OVER WEEKEND, BUT IS UNDER VERY HEAVY PRESSURE ON SUBSTANCE FROM MANY DELS. CURRENT PLAN IS TO SUBMIT FINAL TEXT TO PRESIDENT AMERASINGHE NEXT TUESDAY.

4. COMMITTEE III (MARINE POLLUTION):

PRIVATE NEGOTIATING GROUP COMPLETED WORK ON OCEAN DUMPING ARTICLE WHICH WILL NOW GO TO LARGE WORKING GROUP. ARTICLE INCLUDES ALTERNATE TEXT ON APPLICATION TO THE COASTAL STATE OF INTERNATIONAL STANDARD BECAUSE OF INDIAN INSISTENCE ON NOT BEING BOUND BY SUCH STANDARDS. EVENSEN GROUP COMPLETED DISCUSSIONS ON VESSEL SOURCE POLLUTION, STANDARD SETTING, AND FLAG AND PORT STATES ENFORCEMENT. BROAD OPPOSITION TO COASTAL STATE STANDARD SETTING CLEAR WITH ONLY AUSTRALIA AND MEXICO SUPPORTING EVEN LIMITED COASTAL STATE RIGHTS. DISCUSSIONS ON PART STATE ENFORCEMENT ELICITED STRONG SUPPORT FOR US POSITION THAT PORT STATE ACTION MAY BE TAKEN AGAINST DISCONFIDENTIAL

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CHARGE VIOLATIONS REGARDLESS OF WHERE THEY OCCUR. SUPPORT CAME FROM CANADA, AUSTRALIA, MEXICO, INDIA AND SOME OTHERS WITH A FEW MARITIME STATES INCLUDING THE UK, USSR, AND FRG IN OPPOSITION. EVENSEN GROUP WILL DISCUSS QUESTION OF COASTAL STATE ENFORCEMENT MONDAY.

5. WORKING GROUP ON DISPUTE SETTLEMENT COMPLETED ITS WORK FOR SESSION. WORK PRODUCT TO BE SENT TO CONFERENCE PRESIDENT AND CONSISTING OF FOUR AGREED INTRODUCTORY ARTICLES ON DS AND TWO ANNEXES -ONE SETTING FORTH REMAINING ARTICLES FOR COMPREHENSIVE DS CHAPTER AND OTHER PROVIDING ILLUSTRATIVE PROVISIONS FOR FUNCTIONAL APPROACH - RESULTED FROM DIFFICULT, LAST MINUTE AGREEMENT WITH SOVIET UNION. IN PRIVATE DISCUSSIONS, SOVIETS TOOK POSITION (1) THAT SUBMISSION OF PROPOSED SINGLE TEXT WAS PREMATURE SINCE ONLY FOUR ARTICLES WERE GENERALLY ACCEPTED AND (2) THAT TEXT DID NOT REFLECT SOVIET VIEWPOINT. THEY RESTATED VIEW THAT DS SHOULD APPLY IN TWO INSTANCES: COMPULSORY ARBITRATION FOR FISHERIES DISPUTES AND TRIBUNAL FOR DEEP SEABED (ALTHOUGH SOVIETS STATED THEY WERE NOT REJECTING CDS ON OTHER ECONOMIC ZONE ITEMS).

SIGNIFICANT DEVELOPMENT IN GROUP'S DISCUSSION OF
AGREEMENT WAS CHILEAN-ARGENTINE (AND GROUP'S) REJECTION
OF PERUVIAN EFFORT TO EXEMPT ALL DISPUTES ARISING
UNDER CONVENTION WITHIN TERRITORIAL SEA, ECONOMIC
ZONE AND CONTINENTAL SHELF FROM DS. IN REJECTING
PERUVIAN FORMULA, ARGENTINA STATED THAT IT WOULD
ACCEPT EXCEPTION FOR NAVIGATION FROM GENERAL DO-
MESTIC JURISDICTION EXCLUSION.
ABRAMS UNQUOTE

KISSINGER

NOTE BY OC/T: POUCHED TO ABOVE ADDRESSEES.

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